

VOTER REGISTRATION COMMISSION[821]

Adopted and Filed

Pursuant to the authority of Iowa Code section 17A.3 and 2017 Iowa Acts, House File 516, the Voter Registration Commission hereby amends Chapter 2, “Voter Registration Forms, Acceptability, Registration Dates, and Effective Dates,” Chapter 3, “Lists of Registered Voters,” Chapter 5, “Election Registers,” and Chapter 7, “Voter Registration Mailing Address Maintenance,” Iowa Administrative Code.

These amendments are necessary because of the enactment of 2017 Iowa Acts, House File 516, by the General Assembly. The Commission has determined that because of this newly enacted law, the following amendments are necessary to keep the administrative rules in compliance with the Iowa Code. House File 516 makes significant changes to elections in the state of Iowa, creating the need to update Chapters 2, 3, 5, and 7, which are chapters that contain voter registration rules of the Iowa Administrative Code.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 3283C** on September 13, 2017. The Commission received written comments in a letter signed by several organizations. A public hearing was held on October 16, 2017, at which comments were also received. All of the written and oral comments on **ARC 3283C** stated concerns that the proposed amendments to rule 821—2.10(48A) in Item 2 of the Notice of Intended Action would effectively curtail voter registration drives. Due to the confusion that the proposed amendments in Item 2 caused, the Secretary of State recommended that the Commission not adopt the amendments in Item 2 at this time.

As a result of the feedback from the public, the Commission unanimously decided not to adopt the amendments proposed in Item 2 of **ARC 3283C**, and the remaining Items have been renumbered and the amendments in those Items approved.

The Commission voted to approve the final language.

After analysis and review of this rule making, no negative impact on jobs has been found.

These amendments are intended to implement 2017 Iowa Acts, House File 516.

These amendments will become effective December 31, 2017.

The following amendments are adopted.

ITEM 1. Amend subrule 2.8(3) as follows:

2.8(3) If the application does not include the applicant’s Iowa driver’s license number, Iowa department of transportation-issued nonoperator’s identification card number, or the last four digits of the applicant’s social security number, and the applicant has not indicated that the applicant does not have any of these numbers, the notice described in subrule 2.8(2) shall also include the following statement:

“Your voter registration application cannot be accepted because it does not include an Iowa driver’s license number, an Iowa nonoperator’s identification number or the last four numbers of your social security number. You must submit a new voter registration form before you can be registered to vote in this county.

“If you have an Iowa driver’s license, you must write that number on your voter registration form. If you do not have an Iowa driver’s license, use the number from your Iowa nonoperator’s identification card. If you do not have an identification card issued by the state of Iowa, write the last four numbers of your social security number on the form. If you don’t have any of these identification numbers, please check the box next to ‘NONE’ on the form. Failure to provide any of the three forms of identification will require you to register to vote on election day. Please note it is a Class “D” felony to provide false information on a voter registration application.”

ITEM 2. Amend subrule 2.14(2) as follows:

2.14(2) Inactive. If either an acknowledgment mailed to the registrant pursuant to Iowa Code section 48A.26 ~~as amended by 2009 Iowa Acts, House File 475, section 17,~~ a notice mailed to the registrant pursuant to Iowa Code section 48A.27 ~~as amended by 2009 Iowa Acts, House File 475, section 18,~~ a notice mailed to the registrant pursuant to Iowa Code section 48A.28, ~~or an absentee ballot mailed to the registrant pursuant to Iowa Code section 53.8,~~ or a voter identification card issued pursuant to 2017 Iowa Acts, House File 516, section 18, is returned to the commissioner by the United States Postal Service as undeliverable, the registrant's status shall be changed to "inactive" status. In addition, a voter registration record shall be made "inactive" pursuant to Iowa Code section 48A.27, subsection 4, paragraph "c," ~~as amended by 2009 Iowa Acts, House File 475, section 18,~~ during the annual NCOA process. Inactive registrations will be deleted after two general elections unless the registrant responds to a confirmation mailing pursuant to Iowa Code section 48A.27 ~~as amended by 2009 Iowa Acts, House File 475, section 17,~~ 48A.28, 48A.29 or 48A.30, requests an absentee ballot, votes in an election or submits a registration form updating the registration. Inactive registrants shall show identification when voting in person at the polling place, pursuant to Iowa Code section 49.77(3) ~~as amended by 2009 Iowa Acts, House File 475, section 33,~~ or shall restore their voter registration to "active" status pursuant to 721—21.301(53) when voting by absentee ballot.

ITEM 3. Amend paragraph **2.14(3)"c"** as follows:

c. An applicant assigned a status of "pending" shall not be activated until the applicant provides identification and proof of residence pursuant to 721—21.3(49,48A) Iowa Code section 48A.8.

ITEM 4. Amend subrule 2.15(3) as follows:

2.15(3) If all three required elements do not match, the applicant shall be assigned a status of "pending" with reason "DL or SSN Not Verified." The applicant shall be notified that the applicant's voter registration is in pending status and the applicant will be required to show identification and proof of residence pursuant to 721—21.3(49,48A) before voting in the county. The notice shall include the following statement:

"Your voter registration application is pending because the information you provided on your application could not be verified. Your name, date of birth and identification number were compared to the Iowa driver's license records and your identification number cannot be verified.

~~"Before voting for the first time in this county, you will be required to show identification. "~~ "Any voter with a 'pending' registration status is required to present an acceptable photo identification and proof of residence pursuant to Iowa Code section 48A.8 in person before their ballot will be counted. You may submit identification either by showing your identification in person when you vote or by mailing a photocopy of your identification to the county auditor's commissioner's office."

ITEM 5. Adopt the following **new** subrule 2.15(5):

2.15(5) If the application is verified, but the registered voter's name does not appear in the department of transportation-issued driver's license and nonoperator's identification card files, the commissioner shall issue a voter identification card to the registered voter's address on file pursuant to 2017 Iowa Acts, House File 516, section 18.

ITEM 6. Amend rule 821—3.10(48A) as follows:

821—3.10(48A) Driver's license numbers. The county commissioner of registration and the state registrar of voters shall remove a voter's department of transportation-issued driver's license number, Iowa department of transportation-issued nonoperator's identification card number, voter identification number, or whole or partial social security number from a voter registration list prepared pursuant to Iowa Code section 48A.38.

ITEM 7. Amend subrule 5.1(1) as follows:

5.1(1) Election registers shall contain at least the following information:

- a. Full name.
- b. Address.
- c. Date of birth.
- d. Registration status if it is ~~not “active.”~~ “pending.”
- e. Political affiliation (for partisan primary elections only).

ITEM 8. Amend rule 821—7.2(48A) as follows:

821—7.2(48A) Voter registration acknowledgment card returned from mailing address as undeliverable. If a voter registration acknowledgment card or voter identification card issued pursuant to 2017 Iowa Acts, House File 516, section 18, is mailed to the mailing address listed on a voter’s registration record and the acknowledgment is returned to the county registrar as undeliverable by the United States Post Office, the county registrar shall leave the voter’s status as active or pending, remove the mailing address from the voter’s registration record, and mail another registration acknowledgment or voter identification card to the voter’s residential address. If the acknowledgment or voter identification card mailed to the voter’s residential address is also returned as undeliverable by the United States Post Office, the voter’s registration record shall be made inactive, and the voter shall be mailed a notice as required by Iowa Code section 48A.29, subsection 1.

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 11/8/17.